

DEC 09 2006

Docket No. RD 001-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reed et al

Group Art Unit: 3632

Serial No.: 10/734,868

Examiner: Marsh, Steven M.

5 Filing Date: 12/12/2003

Title: Pedestal

13 Pages total.

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

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Attention: Office of Petitions

by fax to 571-273-8300

RENEWED PETITION UNDER 37 CFR 1.137(a)

Sir,

15 This paper is a renewed Petition under 37 CFR 1.137(a). On September 5, 2006, a Petition under 37 CFR 1.137(a) was filed. On December 4, 2006, the Office of Petitions mailed a Decision dismissing that Petition. Applicants request reconsideration of that Decision, in view of the additional facts set out below.

20 As noted in the previous Petition

(1) On September 2, 2006, Applicant received the Notice of Abandonment mailed 08/30/2006, stating that this application is abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 24 February, 2006".


25 (2) The "Office letter mailed on February 24, 2006" was not received by Applicant's representative, undersigned, to whom all correspondence concerning this application is addressed.

(3) The Petition fee has been filed.

(4) A response to the undelivered Office Action was filed with the Petition.

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this paper is being sent by facsimile transmission to the United States Patent and Trademark Office (571-273-8300) on December 9, 2006

Typed name of person signing this certificate: T. H. P. Richardson, Reg No. 28,805, Tel No. 650 854 8304
Signature 

The undersigned now provides the following additional facts in support of the Petition and in accordance with MPEP 711.03(c).

(A) The undersigned attests to the fact that a search of the file jacket and docket records indicates that the office communication was not received.

5 (B) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed, i.e. February, 2006, to August, 2006, is attached hereto. For the reasons stated below,

(i) also attached is a copy of the docket record for the period November, 2005, to February, 2006, and

10 (ii) numerous entries on the docket record have been rendered illegible.

By far the greater part of the undersigned's practice is the prosecution of patent applications under the supervision of the law firm of Sheldon & Mak, to whom all PTO communications are directed, and who are responsible for maintaining the docket record, for those applications. The undersigned does not, therefore, maintain a docket record for those Sheldon & Mak applications. For those applications for which the undersigned is the sole agent of record, the undersigned maintains a docket record on his computer. The computer record includes numerous entries which are of a personal nature and which have nothing to do with undersigned's professional activities. Those personal entries, and only those personal entries, have been rendered illegible on the attached copies. For the avoidance of doubt, the undersigned attests that there was no entry referring to the present application in the docket record for the period February, 2006, to August, 2006.

25 As noted above, there are few applications for which the undersigned is the sole agent of record. As a result, it so happens that there are no entries in the docket record for the period February, 2006, to August, 2006, which demonstrate the undersigned's practice for entering due dates for Office communications. That practice to make an entry for the normal due date for response (and sometimes, in addition, an earlier or later date if it seems likely that the applicant will prefer to respond before or after the normal due date). However, should it be needed, an example of that practice is

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DEC 09 2006

provided by the entry on the docket record for November 7, 2005 (November 6 being a Sunday) noting the normal (1 month) for filing a response to the Official communication mailed October 6, 2005 on Docket RD 001-1, which is the present application. In that case, I also entered the first extended date, December 6, 2005, because I thought it

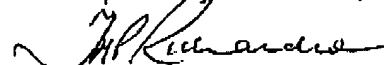
5 likely that the applicant would prefer to make use of that extension.

The due date for the reply to the undelivered Office Action was May 24, 2006. The Notice of Abandonment mailed August 30, 2006, was received September 2, 2006.

10 The Petition was filed September 5, 2006. The Decision on the Petition was mailed December 4, 2006. This Renewed Petition, having been sent to the PTO by fax on Saturday, December 9, 2006, will have a filing date of December 11, 2006. It is believed to be clear, therefore, that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable.

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Respectfully submitted,



T. H. P. Richardson

Registration No.28,805

Tel No. 650 854 6304

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November 2005											
November 2005			December 2005								
S	M	T	W	T	F	S	S	M	T	W	T
1	2	3	4	5	6	7	1	2	3	4	5
8	9	10	11	12	13	14	6	7	8	9	10
15	16	17	18	19	20	21	11	12	13	14	15
22	23	24	25	26	27	28	18	19	20	21	22
29	30	31					25	26	27	28	29
											30
											31

November 2005											
November 2005			December 2005								
S	M	T	W	T	F	S	S	M	T	W	T
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8	9	10	11	12	13	14	6	7	8	9	10
15	16	17	18	19	20	21	11	12	13	14	15
22	23	24	25	26	27	28	18	19	20	21	22
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November 2005											
November 2005			December 2005								
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15	16	17	18	19	20	21	11	12	13	14	15
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November 2005											
November 2005			December 2005								
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15	16	17	18	19	20	21	11	12	13	14	15
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November 2005											
November 2005			December 2005								
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22	23	2									

May 2006		June 2006											
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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29	30	31											

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1 [REDACTED]	2 [REDACTED]	3 [REDACTED]	4 [REDACTED]	5 ERT006due July 5	6 [REDACTED]
8 Check RD002 [REDACTED]	9 [REDACTED]	10 To Washington	11 Return fm Washington	12 [REDACTED]	13 [REDACTED]
15 [REDACTED]	16 [REDACTED]	17 ERT001-1PCT due June 16	18 [REDACTED]	19 [REDACTED]	20 [REDACTED]
22 [REDACTED]	23 [REDACTED]	24 [REDACTED]	25 [REDACTED]	26 [REDACTED]	27 [REDACTED]
29 [REDACTED]	30 [REDACTED]	31 [REDACTED]			28 [REDACTED]

Unknown

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August 2006													
August 2006						September 2006							
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
BET004(w/polo)reminder	ERT001-1CN Oadue 09/07	BET001&002 DROP DEAD Oct 6, 2006			
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Unknown

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